

January 19, 2006

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND DECISION**

**SUBJECT:** Department of Development and Environmental Services File No. **L04P0006**  
Proposed Ordinance No. **2005-0511**

**GARRISON GLEN**  
Preliminary Plat Application

**Location:** 10311 Southeast 216th Street, Kent

**Applicants:** Nigel & Annette Southey and Paulette Popie  
*represented by* **Nigel Southey**  
13527 Southeast 250th Street  
Kent, Washington 98042

**King County:** Department of Development and Environmental Services,  
*represented by* **Fereshteh Dehkordi**  
900 Oakesdale Avenue Southwest  
Renton, WA 98055  
Telephone: (206) 296-7173  
Facsimile: (206) 296-7051

**SUMMARY OF DECISION/RECOMMENDATION:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to revised conditions

**EXAMINER PROCEEDINGS:**

Hearing Opened:	January 19, 2006
Hearing Closed:	January 19, 2006

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

**1. General Information:**

Owner/Developer: Nigel and Annette Southey  
Paulette Popie  
13527 Southeast 250<sup>th</sup> Street  
Kent, WA 98042

Engineer: Jaeger Engineering  
9419 South 204<sup>th</sup> Place  
Kent, WA 98031

STR: SW ¼ 8-22-05  
Location: 10311 Southeast 216<sup>th</sup> Street, Kent  
Zoning: R-6  
Acreage: 5.79 acres  
Number of Lots: 32 lots  
Density: 6 du/acre  
Lot Size: typical 4000, square feet  
Proposed Use: Residential  
Sewage Disposal: City of Kent  
Water Supply: Soos Creek Water & Sewer District  
Fire District: King County Fire District 37  
School District: Kent School District

Complete Application Date: April 12, 2004

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the January 19, 2006, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions. At the public hearing the staff report was corrected to show the proper complete application date as April 12, 2004, and to indicate that no SEPA threshold determination appeal had been filed.
3. Nigel Southey has filed a preliminary plat application to subdivide 5.79 acres into 32 lots for single-family residential development. The property is located in the R-6 zone south of Southeast 216th Street, east of the City of Kent and west of SR-515. A road variance has been granted to reduce the required intersection spacing for the site access road along the plat's western boundary, and a surface water adjustment has been approved to consolidate on-site flows and divert them to a drainage tract at the plat's southern end. According to staff, the reduction of intersection spacing authorized under the road variance does not raise any sight distance concerns.

4. An adjacent property owner to the west, Stanley Boden, testified as to the current existence of nuisance sheet flow discharges from the plat property onto his parcel. Collection of surface water flows within the plat road system and their diversion south to the drainage tract will alleviate these problems. The Applicant also agreed to support Mr. Boden's request that his driveway cut to the proposed site access road be maintained at its current width, an action which may require a minor road variance. The Applicant has agreed to pursue such variance if it is required and the plat conditions have been modified to reflect this agreement.

#### CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

#### DECISION:

The preliminary plat application for Garrison Glen, as revised as received on August 26, 2005, is APPROVED, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code, including a note that "the horizontal datum shall be tied to the North American datum of 1983/91".
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density (and minimum density) requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services. It should be noted that the PSE gas and utility easement may need to be relocated in order to allow for larger buildable areas on the affected lots.

The proposed Lot 19 shall include a 15-foot wide access easement for the benefit of Tax Lot 207.

4. The gas and electric easement recorded under recording No 9001220507 and 9012120354 shall be relocated to avoid conflict with future constructions on lots 1, 4, 5, 7, 10, 11-12 and 16. This

shall be done prior to the final plat submittal. The approved Engineering plans shall show the new location of the gas and utility easement.

5. The access easements under recording numbers 9104100550 and 9210303063 shall be relinquished by recording a relinquishing document signed by all beneficiaries, unless otherwise approved by the King County DDES reviewing staff. The existing driveway cut along the western boundary of the plat from the subdivision access road to tax lot 022 shall be retained to the maximum extent feasible. If required, the Applicant shall request a road variance to maintain the existing driveway width.
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code. Some of the lots may have to be sprinklered. If sprinklers are required for some of the lots, a note to this effect shall be placed on all recorded plans.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code. Requirements shall apply to all plats.
  - A. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - B. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - C. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
  - D. The following conditions specifically address drainage issues for this particular plat:
    - (1) The stormwater detention facility shall be designed at a minimum to the Level 2 Flow Control and Basic Water Quality requirements in the 1998 King County Surface Water Design Manual (KCSWDM).
    - (2) A surface water adjustment (L04V0097) is approved for this subdivision. All conditions of approval for this adjustment shall be met prior to engineering plan approval.

- (3) A drainage tightline and H.D.P.E. pipeline is required from the proposed stormwater facility, down the steep slopes to the existing City of Kent Garrison Creek detention facility. This pipeline design shall be included with the engineering plan submittal. Plan approval from the City of Kent is required for the portion of the tightline and outfall into the Garrison Creek facility.
  - (4) The applicant's geotechnical engineer shall provide recommendations for the design and construction of the drainage detention facility, facility access road, and H.D.P.E. pipeline. The geotechnical recommendations shall be included in the T.I.R. and incorporated into the design with submittal of the engineering plans.
  - (5) Special geotechnical construction inspection of the drainage detention facility, facility access road and H.D.P.E pipeline is required to ensure compliance with the geotechnical recommendations. Inspection reports shall be submitted to the assigned Land Use Inspector during the construction phases of those facilities. A final construction report shall be submitted verifying compliance with the geotechnical recommendations.
- 8. The following road improvements are required for this subdivision to be constructed according to the 1993 King County Road Standards.
  - A. FRONTAGE: The frontage along SE 216<sup>th</sup> Street(south side) shall be improved to the urban collector arterial standard.
  - B. The internal access road from SE 216<sup>th</sup> Street to the internal loop road shall be designed to the urban subcollector road standard, with sidewalk on the east side only. 42 feet of R/W shall be dedicated for this improvement. Note that it is intended that the west sidewalk be constructed if the westerly adjoining parcels are developed.
  - C. The internal loop road shall be improved at a minimum to the urban subaccess street standard.
  - D. Tract C shall be a minimum 26 feet wide and improved as a private access tract per Section 2.09 of the KCRS. This tract shall be owned and maintained by the lot owners served. Notes to this effect shall be shown on the engineering plans and on the final plat map.
  - E. Tract D shall be a minimum 20 feet wide and improved as joint use driveways per Section 3.01 of the KCRS. This tract shall be owned and maintained by the lot owners served. Notes to this effect shall be shown on the engineering plans and on the final plat map.
  - F Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
  - G. Road Variance L04V0098 is approved for this project. All conditions of approval for this variance shall be met prior to approval of the engineering plans.

- H. There shall be no direct vehicular access to or from SE 216<sup>th</sup> Street from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.
9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
10. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
11. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
12. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey markings and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.

Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

- A. The proposed 30-foot setback from the top of the slope and the 30-foot building setback line (BSBL) from the buffer is acceptable as shown. Any deviation from this must be reviewed and approved by the DDES geologist prior to the engineering plan approval. The steep slope area and its associated buffer shall be placed within a Sensitive Area Tract (SAT).
- B. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE  
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare,

including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

- C. No building foundations are allowed beyond the required 30-foot building setback line, unless otherwise provided by law.
13. The proposed recreation tract (Tract B) is consistent with the requirements of KCC 21A.14.180. The recreation tract shall be improved as follows:
- A. A detailed recreation space plan (i.e., landscape specs per KCC 21A.16, equipment specs, finished grade, fencing, etc.) consistent with KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plans. The recreation plan shall be approved prior the final plat approval.
  - B. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
14. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation tract and the Sensitive Area Tract
15. Street trees shall be provided as follows:
- A.. Trees shall be planted at a rate of one tree for every 40 feet of frontage along SE 216<sup>th</sup> Street and all interior roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.

- B. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
- C. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- D. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
- E. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- F. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- G. The applicant shall contact Metro Service Planning at 684-1622 to determine if SE 216<sup>th</sup> Street is on a bus route. If it is a bus route, the street tree plan shall also be reviewed by Metro.
- H. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 19th day of January, 2006.

---

Stafford L. Smith  
King County Hearing Examiner



TRANSMITTED this 19th day of January, 2006, to the parties and interested persons of record:

Bob & Mary Allen 21331 - 103rd Pl. SE Kent WA 98031	Stan & Irene Boden 21627 - 102nd Place SE Kent WA 98031	Dian Colasurdo 10020 SE 216th Kent WA 98031
Barry & Renee Ford 21905 - 105th Ave. SE Kent WA 98031	James J. Jaeger Jaeger Engineering 9419 S. 204th Pl. Kent WA 98031	Nancy Polke 10220 SE 216th St. Kent WA 98031
River of Life Fellowship 10410 SE 216th Kent WA 98031	G. Phil Sargent Dryco Surveying, Inc. 12714 Valley Ave. E. Sumner WA 98390	Seattle KC Health Dept. E. Dist. Environ. Health 14350 SE Eastgate Way Bellevue WA 98007
Jill Shilling 10807 Tempo Lk. Dr. SE Olympia WA 98513	Mr. & Mrs. David Slasor 21369 - 103rd Place SE Kent WA 98031	Nigel Southey 13527 SE 250th St. Kent WA 98042
Kim Claussen DDES/LUSD MS OAK-DE-0100	Fereshteh Dehkordi DDES/LUSD MS OAK-DE-0100	Lisa Dinsmore DDES/LUSD MS OAK-DE-0100
Nick Gillen DDES/LUSD MS OAK-DE-0100	Kristen Langley DDES/LUSD MS OAK-DE-0100	Carol Rogers DDES/LUSD MS OAK-DE-0100
Steve Townsend DDES/LUSD MS OAK-DE-0100	Larry West DDES/LUSD MS OAK-DE-0100	Bruce Whittaker DDES/LUSD MS OAK-DE-0100

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before February 2, 2006***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before February 9, 2006***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JANUARY 19, 2006, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L04P0006.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Fereshteh Dehkordi, Bruce Whittaker and Kristen Langley representing the Department; Nigel Southey and James Jaeger representing the Appellant; and Stanley Boden.

The following Exhibits were offered and entered into the record:

- |                |  |
|----------------|--|
| Exhibit No. 1  | Department of Development and Environmental Services File No. L04S0006                           |
| Exhibit No. 2  | Department of Development and Environmental Services Preliminary report, dated January 19, 2006  |
| Exhibit No. 3  | Application for Land Use Permits received April 12, 2004   |
| Exhibit No. 4  | Environmental Checklist received April 12, 2004  |
| Exhibit No. 5  | SEPA Determination of Non-significance issued December 2, 2005                                   |
| Exhibit No. 6  | Affidavit of Posting indicating a posting date of May 24, 2004; received by DDES on May 25, 2004 |
| Exhibit No. 7  | Revised site plan received August 26, 2005   |
| Exhibit No. 8  | Revised Conceptual Drainage Plan received June 10, 2005  |
| Exhibit No. 9  | Assessor's maps (2) NW and SW 08-22-05   |
| Exhibit No. 10 | Land use map   |
| Exhibit No. 11 | Level 1 Drainage Analysis by Chris Brown & Assoc., revised August 25, 2005                       |
| Exhibit No. 12 | Traffic Impact Analysis dated February 15, 2005  |
| Exhibit No. 13 | Geotechnical report by Bergquist Engineering Services dated March 29, 2005                       |
| Exhibit No. 14 | Certificate of Transportation Concurrency dated April 16, 2003                                   |
| Exhibit No. 15 | Road Variance Decision dated January 6, 2005, KC File No. L04V0098                               |
| Exhibit No. 16 | SWDM Variance Adjustment dated December 22, 2005, KC File L04V0097                               |
| Exhibit No. 17 | Photographs (color copies on 8 sheets) provided by Stanley Boden                                 |